

**REMARKS**

In the Office Action dated February 7, 2007, (hereinafter, "Office Action"), the Examiner rejected claims 1-7, 9-15<sup>1</sup>, 23-29, 31-36, 50-52, 55-61, 64-66, 69-75, 78-80, 83-89, 92-94, 97-103, 106, 107, 109-115, 118, 119, 121-132, 134-136, and 139-159 under 35 U.S.C. § 112, first paragraph.

By this Amendment, Applicants have amended independent claims 1, 11, 23, 33, 45, 46, and 128. No new matter has been added. Accordingly, claims 1-7, 9-14, 16-29, 31-36, 38-47, 50-52, 55-61, 64-66, 69-75, 78-80, 83-89, 92-94, 97-103, 106-107, 109-115, 118-119, 121-132, 134-136, and 139-159 remain pending.

Based on the following remarks, Applicants respectfully traverse the above rejections under 35 U.S.C. § 112, and respectfully request allowance of claims 1-7, 9-14, 23-29, 31-36, 45-46, 50-52, 55-61, 64-66, 69-75, 78-80, 83-89, 92-94, 97-103, 106-107, 109-115, 118-119, 121-132, 134-136, and 139-159.

**I. Interview Summary**

Applicants acknowledge with appreciation the interview granted to Applicants' representatives on April 19, 2007, and the courtesies extended by the Examiner during the interview. At the interview, the Examiner and Applicants' representatives discussed the rejection under 35 U.S.C. § 112. During the meeting, Applicants' representatives explained that the claims as presented were enabled by the specification. The

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<sup>1</sup> While the Office Action indicates that claim 15 is rejected under 35 U.S.C. § 112, first paragraph, Applicants respectfully point out that claim 15 was canceled by a previous amendment. Office Action, page 2. Therefore, Applicants believe that only claims 1-7, 9-14, 23-29, 31-36, 50-52, 55-61, 64-66, 69-75, 78-80, 83-89, 92-94, 97-103, 106, 107, 109-115, 118, 119, 121-132, 134-136, and 139-159 stand rejected under 35 U.S.C. § 112, first paragraph.

Examiner agreed and indicated that he would remove the rejection under 35 U.S.C. § 112.

Upon additional discussion, the Examiner requested that the claims clarify that the first and second lines of credit were associated with the credit card and that the first and second lines of credit were distinct. Although, as discussed in the Interview, Applicants deem these aspects of the claims to be present in the then pending claims, by this amendment, Applicants amend claims 1, 11, 23, 33, 45, 46, and 128 accordingly.

## **II. Rejection Under 35 U.S.C. § 112**

Claims 1-7, 9-14, 23-29, 31-36, 50-52, 55-61, 64-66, 69-75, 78-80, 83-89, 92-94, 97-103, 106, 107, 109-115, 118, 119, 121-132, 134-136, and 139-159 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action states that:

Claims 1-7, 9-1[4], 23-29, 31-36, 50-52, 55-61, 64-66, 69-75, 78-80, 83-89, 92-94, 97-103, 106-107, 109-115, 118-119, 121-132, 134-136, [and] 139-159 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the claims in combination with a credit card with two lines of credit, wherein the first and second lines of credit have a unique credit limit, wherein the first and second line of credit have a unique available credit limit, wherein the first and second lines of credit have a unique interest rate, and wherein said first line of credit is a general revolving line of credit and wherein the second line of credit is a private label line of credit, the specification is not enabling for other credit card configurations.

Office Action, page 2.

Applicants disagree with the allegations found in the Office Action that the specification is not enabling for claims 1-7, 9-14, 23-29, 31-36, 50-52, 55-61, 64-66, 69-

75, 78-80, 83-89, 92-94, 97-103, 106, 107, 109-115, 118, 119, 121-132, 134-136, and 139-159. The test for enablement is whether the disclosure contains sufficient information to enable one reasonably skilled in the pertinent art to make and use the claimed invention without “undue experimentation.” M.P.E.P. § 2164.01. It is clear that “[d]etailed procedures for making and using the invention may not be necessary if the description of the invention itself is sufficient to permit those skilled in the art to make and use the invention.” M.P.E.P. § 2164. The issue in this case is whether a skilled artisan, given the teachings of the specification and what is known in the prior art, could make and use the invention without undue experimentation.

Applicants respectfully submit that the initial burden in rejecting the claims has not been met in the Office Action. As the M.P.E.P. makes clear, “[i]n order to make [an enablement] rejection, the examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention.” M.P.E.P. § 2164.04 (internal citations omitted). The conclusions found in the Office Action regarding enablement should be based on specific findings of fact that are supported by evidence. *Id.* As M.P.E.P. § 2164.04 states, “the minimal requirement is for the examiner to give reasons for the uncertainty of the enablement.” M.P.E.P. § 2164.04 (internal citations omitted).

Here, the Office Action generally alleges that the specification enables only a few, discrete embodiments, and fails to enable any other embodiment. First, Applicants respectfully submit that the specification provides adequate enablement for at least the recitations found in the pending claims. For example, support for the recitations of the

claims can be found in the specification at pages 35-48, as well as Figures 2, 3A, 3B, 4, 5, and 6.

Second, the Office Action has failed to identify how the alleged failure of the specification to enable "other credit card configurations" is applicable to the claimed subject matter. Indeed, it is not. Instead, the Office Action merely alleges that the specification enables first and second lines of credit having a unique credit limit, uniquely available credit limit, and interest rate, where the first line of credit is a general revolving line of credit and the second line of credit is a private label line of credit. However, the Office Action entirely neglects to address the recitations of the pending claims.

Therefore, for at least the foregoing reasons, the initial burden to establish a reasonable basis to question enablement given the knowledge of skill in the art combined with the teachings and examples provided in the specification has not been satisfied.

Further, as noted above in section I, the Examiner agreed that the specification is enabling for the pending claims.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-7, 9-14, 23-29, 31-36, 50-52, 55-61, 64-66, 69-75, 78-80, 83-89, 92-94, 97-103, 106, 107, 109-115, 118, 119, 121-132, 134-136, and 139-159 under 35 U.S.C. § 112, first paragraph, and allowance of these claims.

**III. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.


The Office Action contains a number of statements reflecting characterizations of the claims. Regardless of whether any such statement is identified herein, Applicants do not automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,  
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Dated: June 7, 2007

By: \_\_\_\_\_

  
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